FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Writ Petition No. 5118 of 2005

Office NOtes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's order	Court or Judge's Order

Shri Vilas B.Topkar for petitioner

CORAM: A.P.SHAH J.
5th September,2005

P.C.

. The petitioner was working as a bus conductor and he was on duty on bus No.MH-12-R-1060 on 12th December, 1995 on the Pune to Borivli route. The inspection squad checked the said bus and it was found that the tickets were wrongly punched and excess cash of Rs.24.90 was found in possession of the petitioner. Consequently a charge sheet was issued to the petitioner and after conducting the enquiry the petitioner' services came

to be terminated. The petitioner filed Complaint No. 88 of 1996 under M.R.T.U.and P.U.L.P.Act, 1971 which he ultimately withdrew. He then preferred another complaint being complaint no.21 of 1997 under the M.R.T.U.and P.U.L.P.Act which was also withdrawn. Thereafter the petitioner raised industrial dispute and a reference came to be made to the Labour Court under section 10(1) and 12(5) read with sec.2A of the Industrial Disputes Act,1947 which came to be numbered as Reference No.(IDA) 379 of 2000. The Labour Court after considering the rival contentions of both parties and after perusing the evidence on record which was led by the parties was pleased to pass the award dated 11th February,2005 dismissing the Reference No.(IDA) 379 of 2000.

2. I have heard the learned Counsel appearing for the petitioner. I have also perused the record including the order of the Labour Court. The only submission made by the learned Counsel is that punishment imposed on the petitioner is severe, harsh and shockingly disproportionate. He submitted that having regard to the fact and circumstances of the case a lenient view ought to have taken by the Trial Court and lesser punishment would serve the ends of justice. I am unable to accept the submission of the learned Counsel. It is seen from the order of the Labour Court that past record of the workman was wholly unsatisfactory. In 1980 services of the petitioner were terminated on the ground of non issuance of tickets to the

passengers after receiving the fare, but thereafter he was reinstated in service. In 1986 his 3 increments were withheld on the ground of absentism. In the year 1991 he was was terminated on the ground of reissuance of tickets but a lenient view of the matter was taken and he was reinstated in service. In the year 1994 his yearly increment was withheld for two months. Having regard to the facts and circumstances of the case I am of the view that this is not a fit case for interference in exercise of powers under Article 227 of the Constitution of India. Petition is dismissed.